

R865. Tax Commission, Auditing.

R865-9I. Income Tax.

R865-9I-34. Property Tax Relief For Individuals Pursuant to Utah Code Ann. Sections 59-2-1201 through 59-2-1220.

- A. "Household" is determined as follows:
 - 1. For purposes of the homeowner's credit under Section 59-2-1208, household shall be determined as of January 1 of the year in which the claim under that section is filed.
 - 2. For purposes of the renter's credit under Section 59-2-1209, household shall be determined as of January 1 of the year for which the claim is filed under that section.
- B. "Nontaxable income" includes:
 - 1. the amount of a federal child tax credit received under Section 24 of the Internal Revenue Code that exceeded the taxpayer's federal tax liability; and
 - 2. the amount of a federal earned income credit received under Section 32 of the Internal Revenue Code that exceeded the taxpayer's federal tax liability.
- C. "Nontaxable income" does not include:
 - 1. federal tax refunds;
 - 2. the amount of a federal child tax credit received under Internal Revenue Code Section 24 that did not exceed the taxpayer's federal tax liability;
 - 3. the amount of a federal earned income credit received under Internal Revenue Code Section 32 that did not exceed the taxpayer's federal tax liability;
 - 4. payments received under a reverse mortgage;
 - 5. payments or reimbursements to senior program volunteers under United States Code Title 42, Section 5058; and
 - 6. gifts and bequests.
- D. "Property taxes accrued" does not mean that taxes can be accumulated for two or more years and then claimed in one year.
- E. A claimant who pays property taxes on a mobile home and pays rent on the land on which the mobile home is shall be eligible for a homeowner's credit for the property tax paid on the mobile home and a renter's credit for the rent paid on the land.
- F. State welfare assistance is not considered as public funds for the payment of rent, and will not preclude a rebate. However, assistance payments must be included in income.
- G. Where housing assistance payments are involved under the Housing and Community Development Act, Title II, Section 8:
 - 1. only that portion of the rent paid by the tenant may be claimed under the terms of the Circuit Breaker Act; and
 - 2. that portion of the rent paid by the federal government to the landlord will not be considered as part of the household income since it is not subject to a claim for rebate.
- H. Persons claiming a property tax exemption under Title 59, Chapter 2, Part 11 are not precluded from claiming a homeowner's or renter's credit.

KEY: historic preservation, income tax, tax returns, enterprise

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Effective: 11/01/02